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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,916	02/13/2001	Dan Kikinis	004688.P019	3196

7590 03/25/2004
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EXAMINER

JANKUS, ALMIS R

ART UNIT PAPER NUMBER

2671

DATE MAILED: 03/25/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,916

Applicant(s)

KIKINIS, DAN

Examiner

Almis R Jankus

Art Unit

2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's remarks have been fully considered in preparing this office action.

2. Claims 1-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Rosser et al. (U.S. Patent 5,264,933) in view of Rosser (U.S. Patent 6,446,261) for the reasons stated in the prior office action.

Rosser et al. rendered obvious claim 1 by teaching the claimed receiving the 2-D video broadcast, wherein the 2-D video broadcast comprises a 2-D advertisement containing a 2-D image, and one or more 3-D shapes of text; generating a 3-D highlighted image from the 2-D image; applying the 3-D shapes of text to the 3-D highlighted image to generate a localized 3-D highlighted image, at the abstract and at column 8 lines 37-43 and lines 52-58. The 2-D image corresponds to the selected portions of the video where the advertising indicia will be inserted; the 3-D shapes of text correspond to the logo; the 3-D highlighted image corresponds to setting, for example, a key color so the logo can key over specific colors or ranges of colors.

Rosser teaches the claimed displaying the localized 3-D highlighted image to a specific viewer, at the abstract; the specific viewer having the specific viewing profile.

It would have been obvious to one of ordinary skill in the art at the time of the instant claimed invention to combine Rosser and Rosser et al. because Rosser includes Rosser et al. by reference.

Claim 2 further requires using the 3-D shapes of text as a template; and cutting the 3-D highlighted image around the template. Rosser et al. teaches this at column 8 line 59 to column 9 line 24.

Claim 3 further requires displaying a color to contrast the 3-D highlighted image. Rosser et al. teaches this at column 8 lines 52-58.

Claims 4 and 5 further require embossing and raising the 3-D shapes of text respectively. Rosser et al. teaches providing a display which appears as if the inserted image was actually painted on the court, at the abstract. "Painted on" implies a raising effect, which also includes embossing.

Claim 6 further requires selecting a specific 3-D shapes of text for the specific viewer. Rosser teaches this at the abstract.

Claims 7-12 are similar to claims 1-6 respectively, but further require a system. Rosser teaches this at figure 1.

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Claims 13-18 are similar to claims 1-6 respectively, but further require a computer readable medium having stored thereon a plurality of instructions. Rosser teaches this at column 10 line 52 to column 11 line 39.

Claims 19-24 are similar to claims 1-6 respectively, but further require a set top box. Rosser teaches this at the abstract.

3. Applicant's arguments filed 1/2/04 have been fully considered but they are not persuasive.

In the remarks, applicant argues features which are not claimed. For example, at page 6, applicant argues that the instant invention includes a 3-D image processor that can generate a 3-D highlighted image from the 2-D video image transmitted to the viewer. This limitation is not found in claim 1. Rather, claim 1 recites "receiving the 2-D video broadcast, wherein the 2-D video broadcast comprises a 2-D advertisement containing a 2-D image, and one or more 3-D shapes of text". At page 7, applicant argues that the data is further processed by a 3-D video processor by warping, zooming, or morphing it in order to fit the data onto the 3-D generated image. Again, claim 1 makes no mention of such a limitation. At page 8, applicant argues that the instant invention utilizes localized encoding accomplished at the viewer's location. This is not found in the claims. For at least these reasons, applicant's arguments are not persuasive.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almis R Jankus whose telephone number is 703-305-9795. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman can be reached on 703-305-9798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AJ



ALMIS R. JANKUS
PRIMARY EXAMINER